

Federal Defenders
OF NEW YORK, INC.

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December 4, 2023

BY ECF

The Honorable John P. Cronan
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

**Re: United States v. Gregory Gumucio
23 Cr. 595 (JPC)**

Dear Judge Cronan:

We represent Gregory Gumucio in the above-captioned matter. We write to respectfully request a modification of Mr. Gumucio's bail conditions to remove the standalone GPS location monitoring condition of his pretrial release. Pretrial Services consents to this request; the government objects.

At Mr. Gumucio's presentment on August 30, 2022, Magistrate Judge Jennifer E. Willis set the following bail conditions:

\$250,000 personal recognizance bond to be co-signed by two financially responsible persons and one individual with moral suasion (specifically, Mr. Gumucio's adult son); compliance with pretrial services supervision as directed; no airport travel (with specifics to be set by pretrial services); standalone location monitoring; no direct or indirect contact with any current or former employees of Yoga to the People identified by the government; no travel within 60 miles of the Canada border; surrender all travel documents with travel restricted to the Western District of Washington, the District of Oregon (solely for child's sports-related travel), and the Southern District of New York.

On October 7, 2022, Judge Willis modified the bond conditions to require only two financially responsible cosigners. On January 26, 2023, the Court modified the travel conditions to permit Mr. Gumucio to travel to Portland, Oregon, to seek employment. And on March 20, 2023, Judge Willis modified the travel conditions to permit him to travel to the Eastern District of Washington for his daughter's sporting events.

On April 24, 2023, Judge Willis granted Mr. Gumucio's request to travel within the Eastern District of Washington and the District of Oregon, provided he does not travel within ten miles of an airport. On September 29, 2023, Judge Willis granted Mr. Gumucio's request to travel to the District of Idaho, within 10 miles of a small airport, and Pullman, WA, where his son currently attends college in the Eastern District of WA.

On November 15, 2023, this Court granted Mr. Gumucio's request to modify the conditions of release to permit airport travel for court appearances in the Southern District of New York, including travel to connecting airports at points between Washington and New York. The Court also granted Mr. Gumucio's request to permit travel within ten miles of an airport to enable him to pick up and drop off visiting family/friends at the airport with prior notice to Pretrial Services.

It has now been nearly 16 months since Mr. Gumucio's arrest on this matter, a nonviolent offense. In that time, he has secured full-time employment and complied with all of the conditions of his release; he has not incurred any violations whatsoever. His Pretrial Services officer, Chandra Wageman, notes that Mr. Gumucio "maintains contact with me regarding employment, travel, and the status of his case." The location monitoring specialist who oversees Mr. Gumucio's location monitoring condition in Washington states, "I have no objections to the removal of the location monitoring condition."

The government has not provided a reason for its objection to Mr. Gumucio's request, despite Pretrial's consent. It should be noted that the government did not object to the removal of the same condition for Mr. Gumucio's co-defendant, Michael Anderson, who is charged with the same offense. Mr. Gumucio—who has unfalteringly abided by all conditions of release for more than a year—is no greater risk of flight than Mr. Anderson, whose ankle monitor the Court agreed to remove at the end of October.

Accordingly, Mr. Gumucio respectfully requests that the Court remove from his conditions of release GPS location monitoring and the requirement that he wear an electronic bracelet. Pretrial Services consents to this request.

Respectfully submitted,

/s/

Marne L. Lenox, Esq.

Michael Arthus, Esq.

Counsel for Gregory Gumucio

cc: Counsel of record

SO ORDERED:

THE HONORABLE JOHN P. CRONAN
United States District Judge